THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.26660 of 1997

Dated 27-04-2007

Between:
N.Chenchu Ramaiah & another.

..... PETITIONER

AND

The Regional Manager, APSRTC, Ongole , Prakasam District & another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.26660 of 1997

O R D E R:

Petitioners question the action of the respondents in not considering their claims as the 4th Conductor, even though they are displaced employees of the vehicles bearing Nos.AAE 3588 and AAG 8966 respectively.

Petitioners would claim that they had passed 10th class and had joined the services of one Sri D.Chenchu Subrahmanyam, owner of the bus, as checking-cum-conductor of vehicles bearing Nos.AAE 3588 and AAG 8966 respectively and that both of them worked till the route was nationalized in the month of September, 1996. They would refer to the policy decision taken by the respondent-Corporation, that initially it had been decided to absorb two drivers and two conductors for each nationalized vehicle, to contend that as they were 4th in the seniority list of conductors and were then not entitled to be absorbed as conductors, they did not submit any application. Petitioners would also refer to the interviews held by the respondent-Corporation and the fact that two drivers and two conductors were absorbed against the vehicle in question and that the respondent-Corporation had subsequently modified its policy and decided to absorb one more conductor per vehicle i.e. 3 conductors instead of 2. Petitioners would claim that the respondent-Corporation had also absorbed a 4th conductor in certain cases in relaxation of its policy decision and on coming to know all these facts, the petitioners had submitted representations, which were of no avail.

This Court, by order in WPMP.No.31009 of 1997 dated 17-10-1997, passed interim directions directing the respondent-

Corporation to consider the case of the petitioners for absorption as 4th conductor in accordance with the rules.

In the counter affidavit filed by the respondents, it is stated that while nationlisation of the routes took place in the year 1986-87 and absorption of genuinely displaced employees was completed as early as in the year 1987, petitioners had neither applied pursuant to the notification nor did they participate in the interview and that they had never submitted any representation to the respondents prior to 1997. Respondents would state that the names of the petitioners were not even sponsored by the owner of the vehicle at the time of nationalization. Reference is made to the interim directions of this Court and it is stated that pursuant to the said directions, the departmental selection committee was constituted and the claim of the petitioners was taken up for consideration on 22-12-1997 and the petitioners had attended interview on that day, that the departmental selection committee opined that the petitioners were not genuinely displaced workers in the displaced vehicles bearing Nos. AAE 3588 and AAG 8966 respectively and had issued proceedings dated 02-03-1998 rejecting their claim. Respondents would deny the contention of the petitioners that there existed a number of vacancies and would submit that they had received more applications than the earmarked quota.

Since the only direction which the petitioners are entitled to is to have their cases considered for absorption as conductors and inasmuch as the respondents, pursuant to the interim directions of this Court, had considered their cases and had rejected their claim holding that they were not genuinely displaced workers, no further relief can be granted in this writ petition.

The writ petition fails and is accordingly dismissed. No order as to costs.

27-04-2007

usd